IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 25253 of 2007(F)

PETITIONER:

THE SECRETARY,
ST.MARYS CATHOLIC CHURCH,
VAKAYAR, KONNI, PATHANAMTHITTA.

BY ADV. SRI.GRASHIOUS KURIAKOSE
SRI.P.K.MATHEW

RESPONDENTS:

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1. STATE OF KERALA, REP. BY THE SECRETARY,
DEPARTMENT OF LAND REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE TAHSILDAR, KOZHENCHERRY,
PATHANAMTHITTA DISTRICT.

3. THE VILLAGE OFFICER, KONNI,
PATHANAMTHITTA DISTRICT.

BY GOVT. PLEADER SRI.P.K.BABU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 25253 OF 2007 - F

Dated this the 23rd day of August, 2007

J U D G M E N T

The petitioner challenges Ext.P1 notice issued to him directing him to vacate the properties mentioned therein within seven days. The contention of the petitioner is that the land mentioned therein is not Government land at all and further Ext.P1 has been issued in violation of principles of natural justice and the provisions of the Kerala Land Conservancy Act.

2. I have heard the learned Government Pleader also. The learned Government Pleader could not satisfy me that Ext.P1 was preceded by a notice or a hearing. Ext.P1 also does not contain any reasons as to why the emergency provisions as provided under the Kerala Land Conservancy Act should be invoked.

3. In the above circumstances, I am satisfied that Ext.P1 is liable to be quashed because of violation of principles of natural justice and provisions of the Kerala Land Conservancy Act. However, if Ext.P1 is treated as a

show cause notice, the same need not be quashed. In the above circumstances, the writ petition is disposed of with the following directions:-

The second respondent shall treat Ext.P1 as a show cause notice. The petitioner shall file his objection to the same within two weeks from today. Thereafter, the second respondent shall afford an opportunity of being heard to the petitioner, which shall include opportunity to adduce evidence also. The second respondent shall, after considering the objections and evidences, pass a speaking order dealing with the contentions of the petitioner. Till after two weeks of communication of that order to the petitioner, the petitioner shall not be evicted from the property in question.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007